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## THE U.S. AND THE LAW OF THE SEA

ANNCR: NEWS ANALYST FRED GALVAN EXAMINES THE LATEST U.S. PROPOSALS TO THE NEW YORK CONFERENCE ON THE LAW OF THE SEA. VOICE: THE PROPOSALS MARK A NEW DEPARTURE IN TERMS OF MARITIME LAW THINKING. HERETOFORE, THE CONFERENCE HAS BEEN DEALING WITH ISSUES THAT HAVE LONG PLAGUED THE WORLD'S MARITIME NATIONS AND THE LANDLOCKED COUNTRIES. THESE ARE ISSUES SUCH AS THE EXTENT OF THE TERRITORIAL SEA, EXPLOITATION OF THE WORLD'S FISHERIES, AND FREEDOM OF NAVIGATION. THE MORE THAN ONE HUNDRED FORTY DELEGATIONS AT THE UNITED NATIONS CONFERENCE HAVE REACHED WIDESPREAD AGREEMENT ON THESE OLD PROBLEMS. FOR EXAMPLE, A CONSENSUS HAS BEEN ACHIEVED ON A TWELVE-MILE TERRITORIAL SEA, ON THE PRINCIPLE OF A TWO HUNDRED MILE ECONOMIC ZONE FOR COASTAL STATES, AND FREEDOM OF NAVIGATION THROUGH AND OVER STRAITS FOR ALL NATIONS.

BUT STILL OUTSTANDING ARE THREE MAJOR ISSUES--AND AGREEMENT IS CRUCIAL TO THE FUTURE OF A COMPREHENSIVE CODE OF MARITIME LAW. ONE SUCH ISSUE IS HOW TO REGULATE MARINE SCIENTIFIC RESEARCH SO THAT THE INTERESTS OF ALL NATIONS--RICH AND POOR--ARE SERVED FAIRLY. ANOTHER IS HOW TO SETTLE POTENTIALLY EXPLOSIVE DISPUTES--SUCH AS THOSE OVER FISHERIES OR NAVIGATION RIGHTS.

THE THIRD MAJOR ISSUE IS HOW TO INSURE THAT ALL NATIONS SHARE EQUITABLY IN THE FUTURE EXPLOITATION OF THE DEEP SEABED'S RICH MINERAL DEPOSITS.

IN RESPONSE TO THE CHALLENGES THESE THREE ISSUES POSE, THE UNITED STATES HAS PROPOSED, FIRST, THAT THE TREATY PROVIDE FOR A BALANCED SYSTEM OF MARINE SCIENTIFIC RESEARCH PROTECTING THE INTERESTS OF COASTAL STATES AND THOSE OF OTHER NATIONS. NEXT,

THE UNITED STATES PROPOSES THE CREATION OF AN IMPARTIAL MECHANISM TO SETTLE DISPUTES--AND ONE WHOSE FINDINGS WOULD BE BINDING ON ALL TREATY SIGNERS. AND, THIRD, THE UNITED STATES PROPOSES ESTABLISHMENT OF AN INTERNATIONAL SEABED RESOURCE AUTHORITY TO SUPERVISE THE EXPLORATION AND DEVELOPMENT OF THE OCEAN'S DEEPEST AREAS.

THE NEW AMERICAN PROPOSALS TO MEET THESE ISSUES ARE FOUNDED ON A FEW BASIC PREMISES. ONE IS THE TRADITIONAL CONVICTION THAT FREEDOM OF THE SEAS IS ESSENTIAL TO THE SECURITY AND WELL BEING OF MOST NATIONS. MARITIME COMMERCE IS GROWING AT A RAPID PACE--AND IS EXPECTED TO QUADRUPE IN THE NEXT FEW DECADES. HISTORICALLY, MAN HAS DEPENDED HEAVILY ON THE SEAS TO CARRY FOOD AND OTHER ESSENTIALS SUCH AS FUEL TO WORLD MARKETS. IN OUR AGE, MODERN TECHNOLOGY HAS ENABLED THE WORLD'S FISHING INDUSTRIES TO SWEEP THE SEAS FOR FISH--SOMETIMES TO THE EXTINCTION OF SOME SPECIES BECAUSE OF A LACK OF REGULATION. MODERN TECHNOLOGY ALSO IS MAKING IT POSSIBLE TO EXPLORE AND EXPLOIT THE OCEAN'S FLOOR FOR MINERALS AND POSSIBLE NEW SOURCES OF FOOD AND PETROLEUM. RAPIDLY INCREASING POPULATION--PARTICULARLY ALONG THE LAND AREAS CLOSE TO THE OCEANS--IS ALREADY PLACING A BURDEN ON OCEANIC ECOLOGY. ALL THESE DEVELOPMENTS HAVE INTENSIFIED COMPETITIVE PRACTICES AND CLAIMS AMONG NATIONS WHICH, IN SOME CASES, HAVE ALREADY LED TO NEAR-ARMED CONFLICT.

IN AN ADDRESS IN NEW YORK THURSDAY, SECRETARY OF STATE KISSINGER PINPOINTED UNITED STATES CONCERN THAT THE LAW OF THE SEA CONFERENCE MAKE FURTHER PROGRESS RAPIDLY. FAILURE TO DO SO, HE SAID, POSES THE RISK THAT THE CONFERENCE WILL FOUNDER, DESPITE ALL THE PROGRESS MADE UP TO NOW. AND IF THAT HAPPENS,

DOCTOR KISSINGER SAID, THE WORLD WOULD LOSE, PERHAPS FOREVER,  
A CHANCE TO AVOID THE ERRORS OF THE PAST.

IT IS THAT PERCEPTION OF THE URGENCY UNDERLYING THE LAW  
OF THE SEA CONFERENCE THAT HAS MOVED THE UNITED STATES TO  
PRESENT A SERIES OF PROPOSALS AIMED AT DEFUSING FUTURE SOURCES OF  
CONFLICT.

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